

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

&

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 3RD OCTOBER 2007 / 11TH ASWINA 1929

WP(C).No. 29227 of 2007(D)

PETITIONER:

G.ANTONY,
S/O.LATE S.GEORGE, MANAGER, K.H.F.LTD.,
2ND FLOOR, ROOM NO.3 (D2) SANIYA PLAZA,
NEAR K.S.R.T.C. BUS STAND, ERNAKULAM,
KOCHI-35.

BY ADV. SRI.P.K.ABOOBACKER(EDAPPALLY)

RESPONDENTS:

1. THE CIRCLE INSPECTOR OF POLICE,
CENTRAL STATION,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
CENTRAL STATION,
ERNAKULAM.

3. SRI.K.V.ABRAHAM,
KURIYACHETTIYIL HOUSE,
KUMBAZHA P.O.,
PATHANAMTHITTA, KERALA.

BY GOVERNMENT PLEADER SRI. P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.29227 of 2007-D

Judgment

Balakrishnan Nair, J.

The petitioner is the Manager of Kerala Hospitality Limited, which is a sister concern of Kerala Housing Finance Limited. The Managing Director of that Company is the tenant of a room owned by the third respondent. The monthly rent was Rs.4,500/-. For three months, there was default from the part of the tenant to pay the rent. Thereupon, the landlord removed the lock of the tenant and put his own lock in its place. The petitioner wants to break open the new lock and take possession of the premises. For that, he has filed a representation before the Police which is produced as Ext.P1. Alleging that the Police are not taking any action on that representation, this Writ Petition is filed, seeking the following reliefs :

“1. to call for the records relating to Ext.P1 and to issue a writ of mandamus or any other appropriate writ, direction or order, directing the 1st and 2nd respondents to grant adequate police protection if necessary to the petitioner to break open the office and function the office regularly.

2. to issue a writ of mandamus or any other appropriate writ, direction or order, directing the 1st respondent to

investigate the matter and direct the 3rd respondent to open the office lock and register a criminal case for the offences under the Indian Penal Code against the 3rd respondent and his men.

3. to issue a writ of mandamus or any other appropriate writ, direction or order directing the 1st respondent to take necessary action on Ext.P1 complaint.”

If a landlord takes forceful possession of the tenanted premises, the Police cannot dispossess the landlord and put the tenant in possession. There is no such statute in force in the State, enabling the Police to do that. Further, if the landlord has committed any criminal offence and the Police is not registering any crime, then the remedy of the petitioner is to move the competent criminal court by filing a complaint. In view of the above position, no relief can be granted in this Writ Petition and it is accordingly dismissed without prejudice to the contentions of the petitioner and his right to move other forums for appropriate reliefs.

K.BALAKRISHNAN NAIR,JUDGE

03.10.2007

T.R.RAMACHANDRAN NAIR, JUDGE

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